

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RONALD MAY,	§	
TDCJ-CID NO.1510892,	§	
Plaintiff,	§	
v.	§	CIVIL ACTION NO. H-09-0865
WANDA ISBELL,	§	
Defendant.	§	

ORDER

On June 29, 2010, the Court granted defendant's motion for summary judgment and dismissed plaintiff's civil rights complaint with prejudice. (Docket Entry No.83). Plaintiff has now filed a Motion for Reconsideration (Docket Entry No.85), which the Court construes as a Motion to Alter or Amend Judgment filed pursuant to Rule 59(e) of the Federal Rules of Civil Procedure.

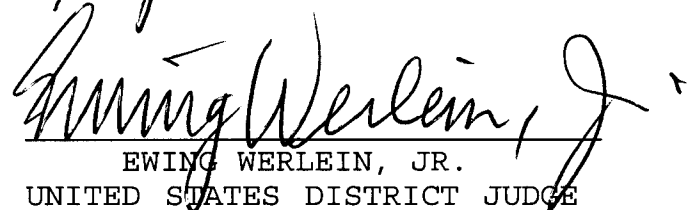
A motion filed within ten days of judgment is treated as a motion to alter or amend under Rule 59(e). Edward H. Bohlin Co. v. Banning Co., 6 F.3d 350, 353 (5th Cir. 1993). A Rule 59(e) motion may be granted if the moving party demonstrates any of the following: (1) the judgment was based upon a manifest error of law or fact; (2) there is newly discovered or previously unavailable evidence; (3) to prevent manifest injustice; and (4) there is an intervening change in controlling law. See 11 CHARLES ALAN WRIGHT & ARTHUR R. MILLER, FEDERAL PRACTICE AND PROCEDURE § 2810.1 (2d ed. 1995). However, a Rule 59(e) motion may not be used to "re-litigate old matters, or to raise arguments or

present evidence that could have been raised prior to the entry of judgment." Id.

Plaintiff states no grounds that would entitle him to relief under Rule 59(e). Instead, he attempts to re-litigate fact issues, which the Court addressed in its Memorandum and Order on Dismissal.

Accordingly, plaintiffs' Motion for Reconsideration (Docket Entry No.85) is DENIED.

SIGNED at Houston, Texas, on August 23, 2010.


EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE